

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

ERIC ADAMS,

Defendant.

Case No.: 24 Cr. 556 (DEH)

**MOTION FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE*
ON BEHALF OF STATE DEMOCRACY DEFENDERS FUND,
LAWYERS DEFENDING AMERICAN DEMOCRACY,
AND INDIVIDUAL EXPERTS IN LEGAL ETHICS**

State Democracy Defenders Fund, Lawyers Defending American Democracy, as well as law professors and individual experts in legal ethics (collectively “Amici”), as listed below, respectfully request the Court to grant them leave to submit a brief as *amicus curiae* in this matter. In support of this motion, Amici state as follows:

State Democracy Defenders Fund (SDDF) is a 510(c)(3) nonprofit organization that seeks to defend and strengthen democracy while ensuring that Americans are free to exercise their fundamental rights. Lawyers Defending American Democracy (LDAD) is a 501(c)(3) non-profit organization of lawyers dedicated to protecting and preserving American democracy. Amici also include individual representatives from LDAD and SDDF, as well as lawyers and law professors with experience in the interpretation and application of the ethical rules governing the conduct of lawyers. Individual amici are listed below.

LDAD and SDDF are nonpartisan organizations devoted to defending the rule of law. In pursuit of their missions, LDAD and SDDF seek to ensure that lawyers involved in matters bearing on our democratic institutions and processes conduct themselves in accordance with the applicable rules of professional responsibility. LDAD and SDDF and other Amici believe that

lawyers who engage in conduct inimical to the rule of law must be accountable – both to enforce professional standards and to maintain public confidence that the conduct of lawyers conforms to the ethical standards set forth the Rules of Professional Responsibility.

In this case, the Court has raised a series of questions regarding the application of Fed. R. Crim. P. 48(a) to the pending motion to dismiss the indictment against Mayor Eric Adams. In the event the Court resolves those question, as Amici believe it should, through an evidentiary inquiry into the facts and circumstances supporting the motion, Amici submit that the inquiry should include whether Mr. Bove has violated the Rules of Professional Responsibility in his conduct of this matter. The proposed amicus brief reviews the ethical rules that, based publicly available information, may have been violated by Mr. Bove. Mr. Bove's conduct also calls into question whether he complied with the requirements of the U.S. Department of Justice Principles of Federal Prosecution. These potential ethical violations bear on the public interest factor under Rule 48(a) and ultimately on public confidence in the Department of Justice and this Court.

For the foregoing reasons, Amici respectfully request leave to file an amicus brief in this case.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ilene Jaroslaw', with a long horizontal flourish extending to the right.

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February 28, 2025

Individual Amici

Norman Eisen, *Board Member, State Democracy Defenders Fund*

John T. Montgomery, *Board Member, Lawyers Defending American Democracy*

Stephen Marcus, *Volunteer, Lawyers Defending American Democracy, Adjunct Professor, Georgetown University Law Center**

Bruce Kuhlik, *Former Assistant to the Solicitor General, U.S. Department of Justice; Volunteer, Lawyers Defending American Democracy, Adjunct Professor, Georgetown University Law Center*

Virginia Canter, *Ethics and Anticorruption Chief Counsel and Director, State Democracy Defenders Fund*

Don Fox, *Former General Counsel and Acting Director, U.S. Office of Government Ethics*

Richard Painter, *Former Associate Counsel to the President and chief White House ethics lawyer for President George W. Bush*

Cassandra Robertson, *Law Professor, Case Western Reserve University School of Law**

Susan Carle, *Professor of Ethics Law and Vice-Dean, American University*, Editor of Lawyers' Ethics and the Pursuit of Social Justice (NYU Press 2005)*

Angela J. Davis, *Distinguished Professor of Law, Criminal Justice Ethics and Criminal Law and Procedure, American University Washington School of Law*, Author of Arbitrary Justice: The Power of the American Prosecutor (Oxford University Press, 2007)*

Bruce Green, *Louis Stein Chair of Law, Director, Stein Center, Fordham University School of Law**

Mitt Regan, *McDevitt Professor of Jurisprudence, Director, Center on Ethics and the Legal Profession, Georgetown University Law Center**

Rebecca Roiphe, *Joseph Solomon Distinguished Professor of Law, New York Law School**

Ellen C. Yaroshefsky, *Howard Lichtenstein Professor of Legal Ethics, Director - Monroe Freedman Institute for the Study of Legal Ethics, Maurice A. Deane School of Law, Hofstra University**

Abbe Smith, *Professor of Law, Georgetown University Law Center**

* Affiliations are provided for identification purposes only. The views expressed in the proposed amicus brief reflect only those of the individual and do not necessarily reflect the institution with which they are affiliated.